IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE TWENTY SECOND DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WP.NO.18480 OF 2005

Between:

R. Srinivas Rao & Ors. … Petitioners

Versus

The Deputy Collector & Mandal Revenue Officer,

Qutbullapur Mandal, Rangareddy district

& Anr. … Respondents

Counsel for the Petitioner: Mr.Vedula Venkataramana

Counsel for the Respondents: GP for Revenue

O R D E R :

Aggrieved by the Form-I notice under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 in Proceedings No.A/3710/2005 dated 12-7-2005 issued by the first respondent on the ground of contravention of the provisions of sub-section (2) of Section 3 of AP Assigned Lands (Prohibition of Transfers) Act, 1977 and directing the petitioners to show cause within fifteen days of receipt of notice as to why they should not be summarily evicted from survey no.& sub-division no.90 of the land in an extent of Acs:1-26 guntas and Ac:1-03 guntas and as to why any crop or other product raised on the land should not be forfeited, this writ petition is filed to direct the respondents not to interfere with their possession and enjoyment over the said land.

The case of the petitioners is that they purchased the said lands from Mr.Ch.Sudhakar Rao and Mr.N.Malleswar Rao respectively under registered sale deed bearing Nos.1415/2005 and 3394/2005. Since then they are the absolute owners and possessors of a total extent of Acs:3-11 guntas of land in survey no.90 of Nizampet village, Qutbullapur Revenue Mandal, Rangaredy district.

The petitioners submit that earlier they filed WP.No.13143 of 2005 before this court seeking to restrain the respondents from interfering with or demolishing the structures over the said land without following the established principles of law. This court by an order dated 21-6-2005 directed the respondents not to demolish the structures, which are standing in their land. The said writ petition is pending and the interim order passed in WP.No.13143 of 2005 is subsisting.

Now the learned counsel for the petitioners submitted that the issuance of impugned notice under section 3 of the Act is invalid and in violation of the provisions of the Act mainly on the ground that the impugned notice itself speak that the aforesaid land is Lavoni patta. Therefore, it cannot be equated to assign or alienate the said land because the expression “assignment land” has been defined under the Act, which means an assignment made free of cost.

He further submitted that as far as Lavoni patta is concerned, this court rendered a judgment in WP.No.13114 of 200, which is confirmed by a Division Bench of this Court in WA.No.1514 of 2001, dated 21-11-2001 holding that the Act does not apply to Lavoni patta and a land covered by Lavoni Patta can be alienated by taking permission from the District Collector. In this case, the impugned notice describes

the nature of the land as Lavoni Patta, the provisions of the Act therefore cannot be applied in the context of the present case on hand.

On the other hand, the learned Govt.Pleader for Revenue submitted that if the petitioners are relying on the judgment of the Division Bench of this court in WA.No.1514 of 2001 dated 21-11-2001 then they have not filed their explanation to the Form No.1 notice and straightaway the present writ petition has been filed.

After hearing the learned counsel for the petitioners as well as the Govt.Pleader for Revenue and considering the facts and circumstances of the case, it appears that the petitioners have not submitted their explanation to the form no.I notice issued by the first respondent and without submitting the explanation to the form no.1 notice the present writ petition has been filed.

In view of the above, I deem it appropriate to dispose of the writ petition at the admission stage directing the petitioners to submit their explanation to the Form No.1 notice under Rule 3 of the A.P.Assigned Lands (Prohibition of Transfers) Rules 1977 issued by the Deputy Collector & Mandal Revenue Officer, Qutbullapur Mandal, Rangareddy district, within two weeks, from the date of receipt of a copy of this order. On submission of such explanation by the petitioners, the first respondent is directed to consider and pass appropriate order on merits and in accordance with law, within six weeks thereafter, after giving reasonable opportunity of hearing the petitioners. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioners over the said land.

With the above direction, the writ petition is disposed of at the admission

stage. No costs.

AUGUST 22nd, 2005. ----------

l s L. ELIPE DHARMA RAO , J.